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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
AMENDMENT OF SECTION 73.622(b), )  
TABLE OF ALLOTMENTS, )  
DIGITAL TELEVISION BROADCAST )  
STATIONS. )  
(ONTARIO, CALIFORNIA) )  
)

MM Docket No. 01-23  
RM-9960

To: The Chief,  
Video Services Division,  
Mass Media Bureau

REPLY COMMENTS OF  
PAPPAS TELECASTING OF SOUTHERN CALIFORNIA, LLC

Pappas Telecasting of Southern California, LLC ("Pappas Telecasting"), the permittee to construct new primary UHF analog commercial television broadcasting station KIDN-TV, NTSC Channel 54, Avalon, California, by its undersigned counsel and in accordance with Section 1.420 of the Commission's Rules, hereby respectfully submits its Reply Comments with respect to opening Comments that were filed with the Commission by various parties, identified below, in response to the Commission's *Notice of Proposed Rule Making* in this proceeding, 16 FCC Rcd \_\_\_\_, 66 Fed. Reg. 9061 (published February 6, 2001) (the "NPRM"). In support hereof, Pappas Telecasting respectfully submits the following:

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Opening Comments in this proceeding were submitted by six parties, including Pappas Telecasting. Two of those parties – USA Station Group Partnership of Southern California (“USA”), the proponent of the changes to the Commission’s Table of Allotments for Digital Television Broadcast Stations, 47 C.F.R. Section 73.622(b), that are set forth in the *NPRM*, and Sunbelt Television, Inc. (“Sunbelt”) – supported those changes. One commentator – Community Television of Southern California (“Community”) – urged that those changes be made only in the event that certain conditions are fulfilled, and it is unclear whether the Commission or USA will accept those conditions;<sup>1</sup> absent such acceptance, it is clear that Community opposes the changes proposed in the *NPRM*. Three commentators – Pappas Telecasting, Venture Technologies Group, LLC (“Venture”), and Loma Linda Broadcasting Network, Inc. (“Loma Linda”) – all oppose the proposals set forth in the *NPRM*.

Although Pappas Telecasting acknowledges that the outcome of this case will not be decided by a majority vote of the commentators, still Pappas Telecasting believes that the proposals set forth in the *NPRM* should not be adopted. As noted in the Comments of Pappas Telecasting, Venture, and Loma Linda, the key premise underlying

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<sup>1</sup> The conditions are (1) that the Commission require that USA, as the putative licensee of Digital Television Broadcast (“DTV”) Channel 29, if allotted to Ontario, be required to maintain the pilot carrier frequency of the signal 5.082138 MHz above the visual carrier frequency of Community’s primary UHF analog noncommercial, educational television broadcasting station KCET (TV), NTSC Channel \*28 in Los Angeles, California, and (2) that USA reimburse Community for the capital expenses that Community would incur to acquire additional equipment in order to permit Station KCET (TV) to co-exist with DTV Channel 29. See “Comments of Community Television of Southern California,” filed on March 26, 2001 in MM Docket No. 01-23, at pages 3-5.

the *NPRM*'s proposed substitution of the allotment of Digital Television Broadcast ("DTV") Channel 29 for the existing allotment of DTV Channel 47 to Ontario, California – namely, the proposition that USA cannot obtain transmitting facilities on DTV Channel 47 that will replicate the DTV station's paired analog station's facilities – is misinformed. As noted in the Comments of all three parties opposed to the proposals in the *NPRM*, if the pending application to the Commission on behalf of the Board of Trustees, Coast Community College District (the "District"), for a construction permit to build new primary UHF digital noncommercial, educational television broadcasting station KOCE-DT on DTV Channel \*48 on Mount Wilson (File No. BPEDT-19991101AKY) is granted by the Commission, there will be no impediment to USA applying for and obtaining an authorization from the Commission for improved transmitting facilities for USA's first-adjacent-channel primary UHF digital commercial television broadcasting station KHSC-DT on DTV Channel 47 in Ontario. That being the case, there is no reason to encumber DTV Channel 29, nor to saddle first-adjacent-channel Station KCET (TV) and co-channel primary UHF analog commercial television broadcasting station KBAK-TV, NTSC Channel 29 in Bakersfield, California, with additional (albeit permissible) interference from DTV Channel 29 in Ontario, nor to disrupt Loma Linda's plans to inaugurate a new UHF analog low-power television broadcasting station at Banning, California on NTSC Channel 29.<sup>2</sup> For those reasons, as set forth more fully in the Comments of Pappas

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<sup>2</sup> USA's Comments, consisting of three paragraphs, add nothing to the resolution of the issues in this case beyond what was set forth in USA's original Petition for Rulemaking in this proceeding, filed on May 1, 2000 (the "Petition"). The arguments set forth in the Petition were thoroughly analyzed and refuted in

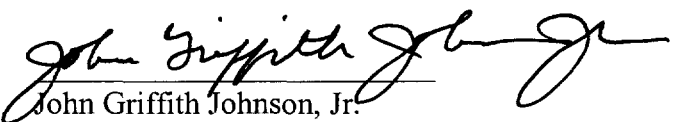
Telecasting, Community, Venture, and Loma Linda, Pappas Telecasting urges the Commission to decline to amend the Table of Allotments as set forth in the *NPRM* and to bring this proceeding to a close.

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Pappas Telecasting's Comments. Sunbelt's Comments are also of limited value and were filed after the deadline for submitting Comments in this proceeding; on that ground alone, Sunbelt's Comments should be disregarded. See, e.g., *Table of Allotments, FM Broadcast Stations (Pleasanton, Bandera, Hondo, and Schertz, Texas)*, 15 FCC Rcd 3068, at n. 2 (Chief, Allocations Branch, Policy & Rules Division, 2000) (late-filed comments in channel allotment rule making proceeding are unauthorized and will not be considered); cf. *Table of Allotments, FM Broadcast Stations (Winslow, Camp Verde, Mayer, and Sun City West, Arizona)*, 15 FCC Rcd 9155, at n. 3 (Chief, Allocations Branch, Policy & Rules Division, 2000) (except as specifically requested or authorized by Commission, late-filed comments in channel allotment rule making proceeding are not entitled to consideration, unless they report new developments or changed circumstances, or present decisionally-significant issue); accord, *Table of Allotments, FM Broadcast Stations (Berlin and North Conway, New Hampshire)*, 14 FCC Rcd 15307, n. 1 (Chief, Allocations Branch, Policy & Rules Division, 1999). Sunbelt's Comments argue that the substitution proposed in the *NPRM* would enable the Commission to allot DTV Channel 47 to Barstow, California for use by Sunbelt's primary UHF digital commercial television broadcasting station KHIZ-DT, which is currently assigned DTV Channel 44, an allotment that Sunbelt considers unsatisfactory. However, Sunbelt does not even make a firm commitment to seek the substitution of the allotment of DTV Channel 47 for the existing allotment of DTV Channel 44 at Barstow, in the event that the proposals in the *NPRM* were to be adopted ("[i]f further studies determine that it is prudent, Sunbelt intends to file a Petition for Rule Making formally requesting the substitution of DTV Channel 47 for its assigned DTV Channel 44, contingent upon the outcome of this proceeding"). See Sunbelt's Comments, filed March 27, 2001 in MM Docket No. 01-23, at page 2.

Respectfully submitted,

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April 10, 2001

**CERTIFICATE OF SERVICE**

I, Alicia M. Altamirano, a secretary in the law firm of Paul, Hastings, Janofsky & Walker, LLP, do hereby certify that I have on this 10<sup>th</sup> day of April, 2001, caused to be sent by first-class United States mail, postage prepaid, a copy of the foregoing **Reply Comments of Pappas Telecasting of Southern California, LLC** to the following:

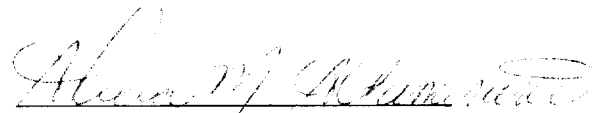
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